

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/31/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 2, 4 and 5** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites "computer readable data storage medium", however, such language is not present in the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 2, 4, 5 and 42-45** are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al. (US 2002/0164152).

7. **Regarding claims 1 and 42**, Kato et al. teaches a reproducing apparatus for reproducing data from a data storage medium (Fig. 1, Recording medium 100), comprising:

a reader (Fig. 1, Readout unit 28) which reads a first file (met by Real Playlists as described in paragraphs 166 and 172 and thoroughly illustrated in Figs. 2-14) comprising reproduction information for reproducing audio visual stream data (Figs. 2-14, Clip AV stream/“M2TS”), the reproduction information comprising information indicating a reproduction interval of the audio visual stream data and a second file comprising navigation data which is used to select the reproduction information from the data storage medium (paragraph 171 teaches Clip Information file that is used to reproduce the Clip AV stream); and

a controller (Fig. 1, Controller 23 that controls the functions of the system) which reproduces the audio visual stream data from the data storage medium based on the

first file and the second file (Paragraphs 171 and 172 teaches wherein during reproduction (after selection of a playlist for playback), the Clip Information file is sued to reproduce the Clip AV stream/M2TS file),

wherein the first file and the second file are recorded separately on the data storage medium (Fig. 14 teaches wherein the playlist and the Clip information files are stored separately as separate files).

**Claims 1 and 42** are also rejected by a combination of the 1) virtual playlist and 2) real playlist as discussed in paragraphs 172-176. During reproduction, the virtual playlist references the existing real playlist to reproduce the Clip AV stream. The two separate files are stored separately as discussed in paragraph 219.

**Regarding claims 2 and 43**, as discussed above, the Clip AV stream includes audio and video data.

**Regarding claims 4 and 44**, as discussed above, the playlist file is recorded separately, logically and physically from the second layer in Figure 14.

**Regarding claims 5 and 45**, as discussed above and illustrated in Fig. 14.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. **Claims 1 and 42** are rejected under 35 U.S.C. 102(a) as being anticipated by admitted prior Fig. 3 and discussion in paragraph 5.

**Regarding claims 1 and 42,** the limitations are broad enough to be met by the specification of the instant specification with reference to Figure 3, wherein the first file is met by the VMGI file and the second file is met by the VOBS for Menu. When the menu VOBs are reproduced, a user is able to navigate to the selected portion of the video desired to be reproduced. Hence the VOBS for Menu are “used” to select the title for display. The playback of the title being displayed is facilitated through the use of the VMGI file. It is clearly illustrated in Figure 3 that the two files are separate from one another.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621